

UNITED STATES DISTRICT COURT
IN THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

NC-WC LP
Plaintiff

v.

Civil Case No. 3:06-cv-440

DAVID STIVARIUS, et al.
Defendants

MOTION FOR ENTRY OF JUDICIAL FORECLOSURE

All parties having been served and no opposition having been filed to the relief requested or consent having been filed, Plaintiff, NC-WC LP by and through its attorney of record, Gary S. Olshan, hereby motions this Court in accordance with the relief requested and in accord with the filed consent of the United States Department of Treasury-Internal Revenue Service for entry of an order for judicial foreclosure of the subject mortgage in accordance with the Code of Alabama, sections 35-10 et seq., including but not limited to sections 35-10-3 and 35-10-13.

Respectfully Submitted,

/s/ Gary S. Olshan

Gary S. Olshan PC by Gary S. Olshan (OLS001)

Attorney for NC-WC LP

PO Box 3020

Birmingham, AL 35202

Direct dial: (205) 313-2565 / Facsimile: (205) 313-2564

Email: gsocollect@netzero.net

CERTIFICATE OF SERVICE

I hereby certify that I have this the 28th day of December 2006 served a copy of the foregoing upon all of the interested parties by mailing a copy of same, first class, postage prepaid, addressed as follows:

R. Randolph Neely
Assistant U.S. Attorney
Po Box 197
Montgomery, AL 36101-0197

Alan Fleming
6261 Seminary Rd.
Columbus, GA 31808

Malissa Lee
616 26th Street, #A
Columbus, GA 31904-8531

Alisa J. Caldwell
PO Box 780452
Tallasse, AL 36078

/s/ Gary S. Olshan

UNITED STATES DISTRICT COURT
IN THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

NC-WC LP
Plaintiff

v.

Case No. 3:06-cv-440

DAVID STIVARIUS, et al.
Defendants

ORDER FOR ENTRY OF JUDICIAL FORECLOSURE

Upon consideration of the Motion for Entry of Judicial Foreclosure it is hereby ORDERED that judgment is GRANTED allowing Plaintiff, NC-WC LP to proceed with foreclosure of the subject mortgage, to wit, mortgage dated September 12, 2002 in the amount of \$30,000.00, recorded on September 23, 2002 in Mortgage Book 2900, Page 759 in the Office of the Judge of Probate of Lee County, Alabama and subsequently transferred to NC-WC LP on September 15, 2005, transfer recorded in Mortgage Book 3308, Page 235 in the Office of the Judge of Probate of Lee County, Alabama in accordance with the Code of Alabama, sections 35-10 et seq., including but not limited to sections 35-10-3 and 35-10-13. Plaintiff shall file with this Court a copy of the advertisement for and notice of foreclosure sale and serve on each Defendant prior to the first advertisement date and shall further file with this Court a post foreclosure report within ten (10) days after the foreclosure sale detailing the amount bid in and successful bidder and interplead into this Court any excess funds received for disbursement by this Court in accordance with the priorities as set out in the Code of Alabama.

DONE this the _____ day of December 2006.

W. Keith Watkins
UNITED STATES DISTRICT JUDGE